

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/688,338	
Applicant: Shintani	
Filed: October 17, 2003	
Title: APPARATUS AND METHOD FOR USE IN TELEVISION CHANNEL MAPPING	
Examiner: John Manning	
Group Art Unit: 2614	
Customer No.: 37123	
Conf. No.: 2276	

**DECLARATION OF STEVEN M. FREELAND IN SUPPORT OF DECLARATION OF
PETER RAE SHINTANI PURSUANT TO 37 C.F.R. 1.131**

Hon. Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Steven M. Freeland, declare as follows:

1. I am an attorney of record in the above-captioned U.S. Patent Application No. 10/688,338, and am registered to practice before the United States Patent and Trademark Office, with registration number 42,555.
2. I am personally familiar with the circumstances of and timing of the drafting of the above-captioned patent application.
3. I am aware that claims 4-6, 11-16 and 19 in the above-caption U.S. patent application are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0036811 (Ikeguchi). I am also aware that for purposes of 35 U.S.C. § 103(a), the effective date of the Ikeguchi reference is August 18, 2003.

4. I received prior to the August 18, 2006 effective date of the Ikeguchi reference the Invention Disclosure form as submitted to the U.S. Patent Office on February 28, 2006 with a Declaration of Peter Rae Shintani pursuant to 37 C.F.R. 1.131.

5. I diligently worked on preparing the above-captioned patent application in a chronological order relative to other unrelated work. I completed a first draft of the above-captioned application and forwarded the first draft of the above-captioned patent application to the inventor, Peter Shintani, for review and revision on August 18, 2003.

6. Exhibit A, submitted herewith, is a copy of relevant portions of correspondence dated August 18, 2003 forwarding a first draft of the above-captioned patent application to Peter Shintani, the inventor of the subject matter claimed in the above-captioned patent application. Potentially confidential information has been removed and is not relevant to the demonstration of diligence.

7. The inventor reviewed the draft application over a reasonable amount of time to ensure accuracy, and returned comments and edits to me on September 10, 2003, and further comments on September 11, 2003 for incorporation into the application.

8. Exhibit B, submitted herewith, is a copy of a relevant portion of correspondence from the Inventor to me dated September 10, 2003 forwarding the Inventor's changes and/or comments. Potentially confidential information has been removed and is not relevant to the demonstration of diligence.

9. Exhibit C, submitted herewith, is a copy of a relevant portion of correspondence from the Inventor to me dated September 11, 2003 forwarding the Inventor's additional changes and/or comments. Potentially confidential information has been removed and is not relevant to the demonstration of diligence.

10. Upon receipt of the proposed changes forwarded on September 10 and 11, 2003, I continued work on the application in a chronological order relative to other unrelated work for which I was responsible and incorporated changes into the application.

11. On Friday evening, September 12, 2003, I forwarded a second draft of the above-captioned application to the Inventor at his place of work for review and/or revision.

12. Exhibit D, submitted herewith, is a copy of a relevant portion of correspondence from me to the Inventor dated September 12, 2003 forwarding the second draft of the above-captioned application. Potentially confidential information has been removed and is not relevant to the demonstration of diligence.

13. The inventor reviewed the second draft application over a reasonable amount of time to ensure accuracy, and returned comments and/or edits to me on October 2, 2003.

14. Exhibit E, submitted herewith, is a copy of a relevant portion of correspondence from the Inventor to me dated October 2, 2003 forwarding final comments. Potentially confidential information has been removed and is not relevant to the demonstration of diligence.

15. Upon receipt of the comments and/or proposed changes I continued work on the application in a chronological order relative to other unrelated work for which I was responsible and incorporated relevant changes into the application.

16. On October 10, 2006, I forwarded to the Inventor a final draft of the above-captioned patent application and formal documents for execution.

17. Exhibit F, submitted herewith, is a copy of relevant portions of the correspondence dated October 10, 2006 forwarding the final draft to the Inventor, Peter Shintani. Potentially confidential information has been removed and is not relevant to the demonstration of diligence.

18. On October 14, 2003 I received from the Inventor the executed declaration from the Inventor.

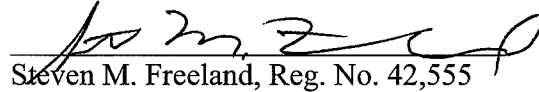
19. Exhibit G, submitted herewith, is a copy of relevant portions of the correspondence returned by the Inventor with a date stamp of October 14, 2006 indicating a date received in my office. Potentially confidential information has been removed and is not relevant to the demonstration of diligence.

20. According to a chronological order relative to other unrelated work for which I was responsible, I prepared accompanying documents for filing of the application. On October 17, 2003 I finalized the application and accompanying documents and filed the

above-captioned application by Express Mail U.S. Postal Service (Express Mail Label No.: EV 322440325 US).

21. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this Declaration is directed.

5-30-06
Date


Steven M. Freeland, Reg. No. 42,555

Attachments: Exhibits A-G

Exhibit A

Steve Freeland - First Draft of Patent Application (50T5449) (81100/7114)

From: Steve Freeland
To: peter.shintani@am.sony.com
Date: 8/18/03 7:18 PM
Subject: First Draft of Patent Application (50T5449) (81100/7114)
CC: Thomas Lebens

VIA E-MAIL: peter.shintani@am.sony.com

Peter Shintani
Sony Electronics Inc.
16450 West Bernardo Drive
San Diego, CA 92127

MZ 7205

RE: First Draft of Patent Application
Inventor: Peter Shintani
APPARATUS, SYSTEM AND METHOD FOR USE IN POWERING ON A REMOTE WIRELESS
DEVICE
Your Disclosure Ref. No.: 50T5449 Our Ref. No. 81100/7114

Dear Peter:

Please find attached a first draft of the above-identified patent application (in MS Word) and a PDF of the figures. Please review the application carefully and provide us with your comments and edits. In editing the application please feel free to incorporate your changes in the MS Word document. However, please indicate all changes and additions, for example using "Text Editor."

It is important that we provide a complete and accurate description of the invention in the application at the time of filing as adding new material necessary to understand or practice the invention after filing may jeopardize our ability to rely on the original filing date.

You are the only presently identified inventor as listed on the cover sheet of the application. Please confirm that you are the only inventor. All of the inventors must be identified, and each inventor must review the application. In general, for a person to be named as an inventor that person must have contributed to the "conception" of at least one claim in the application. Thus, the claims must be reviewed to determine inventorship. Please give me a call if you would like to discuss inventorship and "conception."

As you review the application please keep in mind that it must be of sufficient detail to enable any person skilled in the art to make and use the invention. Furthermore, the application must set forth the "best mode" contemplated by the inventors of carrying out their invention. In general, the "best mode" of the invention is the best way known to the inventors of practicing or using the invention.

I look forward to receiving your comments and revisions. Please contact me if you have any questions.

Very truly yours,
FITCH, EVEN, TABIN & FLANNERY

Exhibit B

Steve Freeland - RE: First Draft of Patent Application (50T5449) (81100/7114)

From: "Shintani, Peter" <Peter.Shintani@am.sony.com>
To: "Steve Freeland" <smfree@fitcheven.com>
Date: 9/10/2003 6:49 PM
Subject: RE: First Draft of Patent Application (50T5449) (81100/7114)
CC: "Shintani, Peter" <Peter.Shintani@am.sony.com>

Steve:
Here come the comments:

page 3

~~[Redacted content]~~

Exhibit C

Steve Freeland - part II

From: "Shintani, Peter" <Peter.Shintani@am.sony.com>
To: "Steve Freeland" <smfree@fitcheven.com>
Date: 9/11/2003 6:05 PM
Subject: part II
CC: "Shintani, Peter" <Peter.Shintani@am.sony.com>

Steve:

Page 20

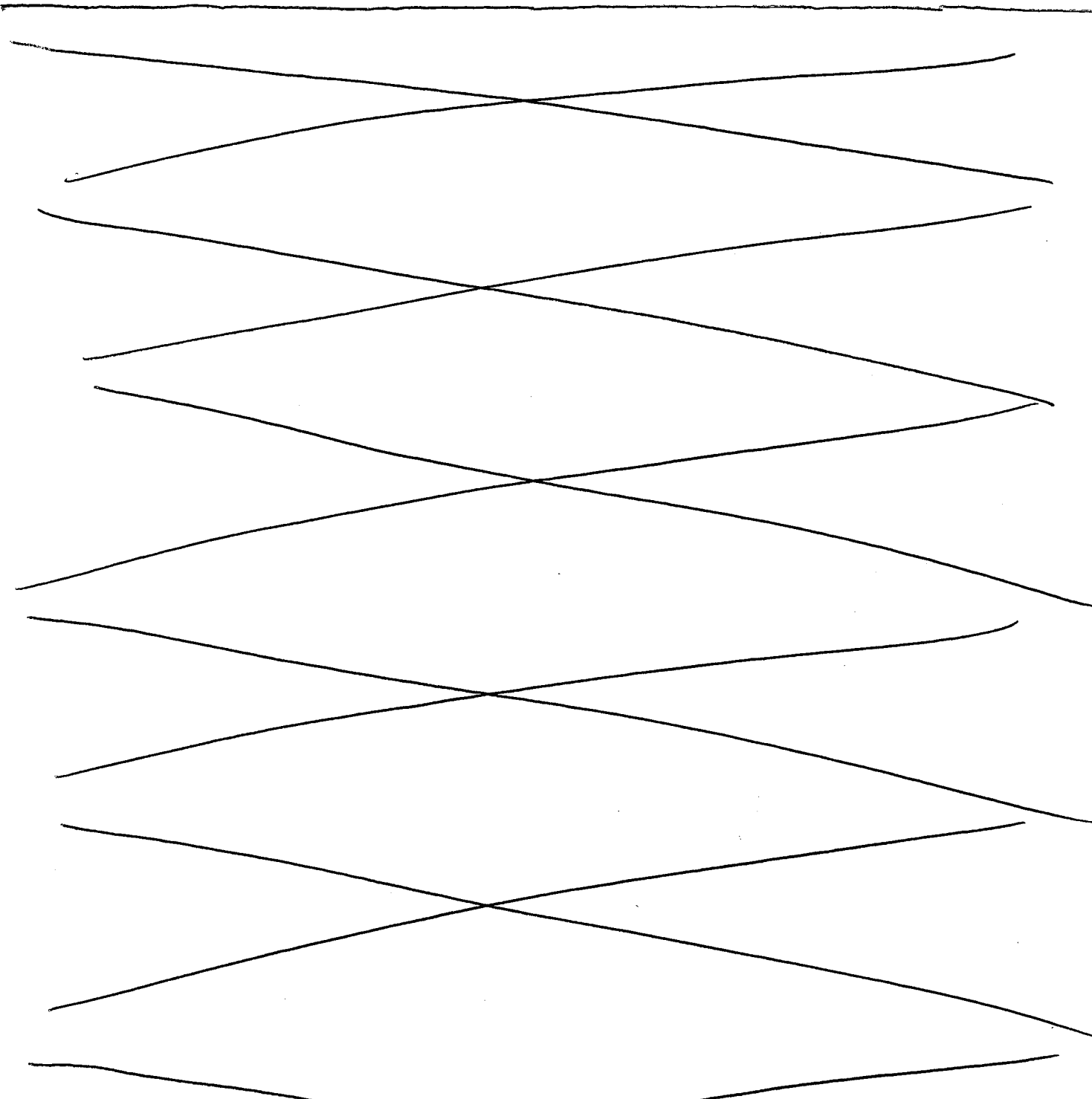


Exhibit D

Steve Freeland - Re: part II

From: Steve Freeland
To: Shintani, Peter
Date: 9/12/2003 4:03 PM
Subject: Re: part II

Peter,

Thank you for the comments. I appreciate your input.

Please find attached a second draft of the subject application that incorporates your changes and suggestions. I have also attached a redline version that shows the changes made, as well as revised figures.

Regarding your specific comments:

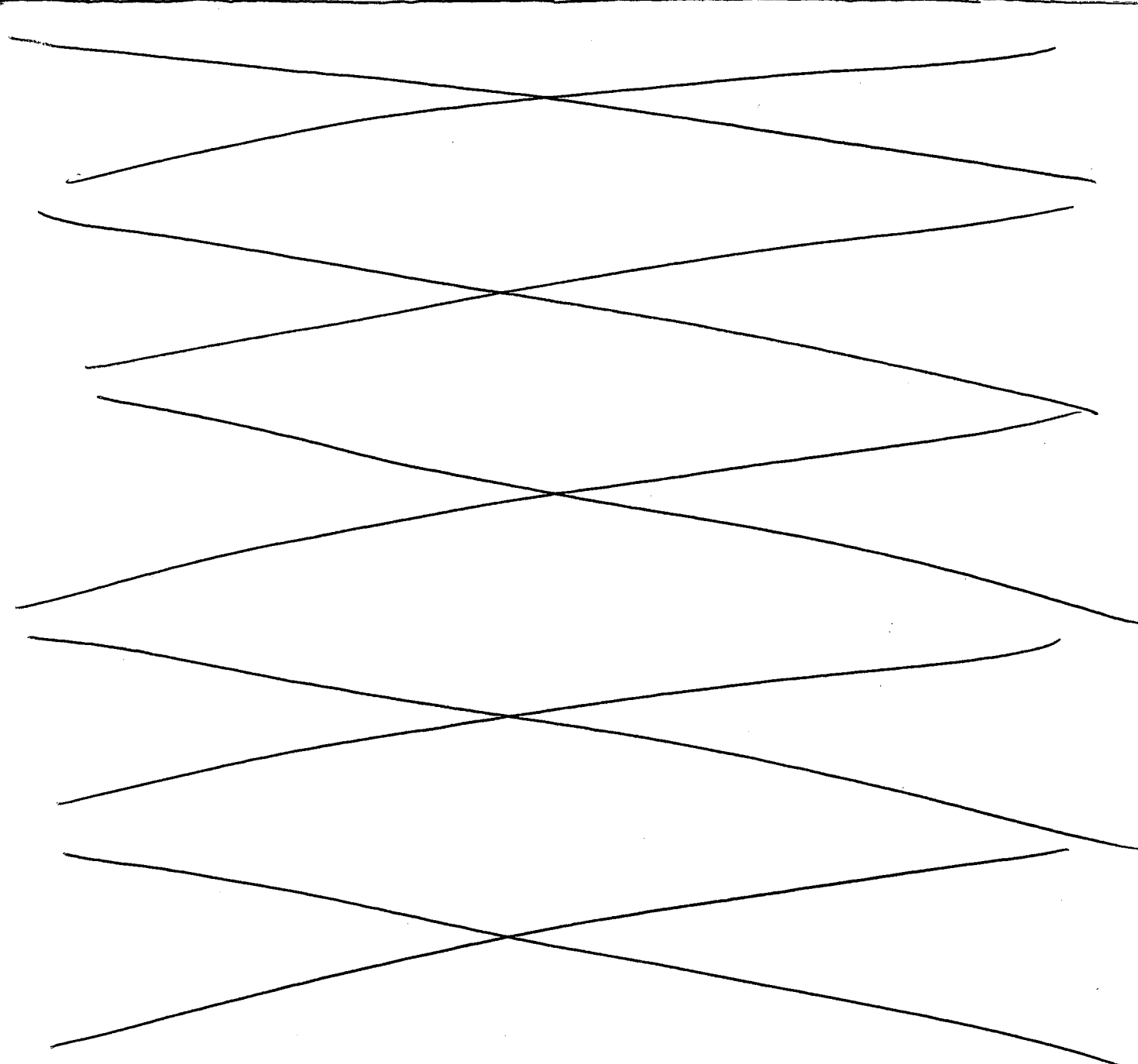


Exhibit E

From: "Shintani, Peter" <Peter.Shintani@am.sony.com>
To: "Steve Freeland" <smfree@fitcheven.com>
Date: 10/2/2003 7:24 pm
Subject: RE: part II

CC: "Shintani, Peter" <Peter.Shintani@am.sony.com>
Steve:

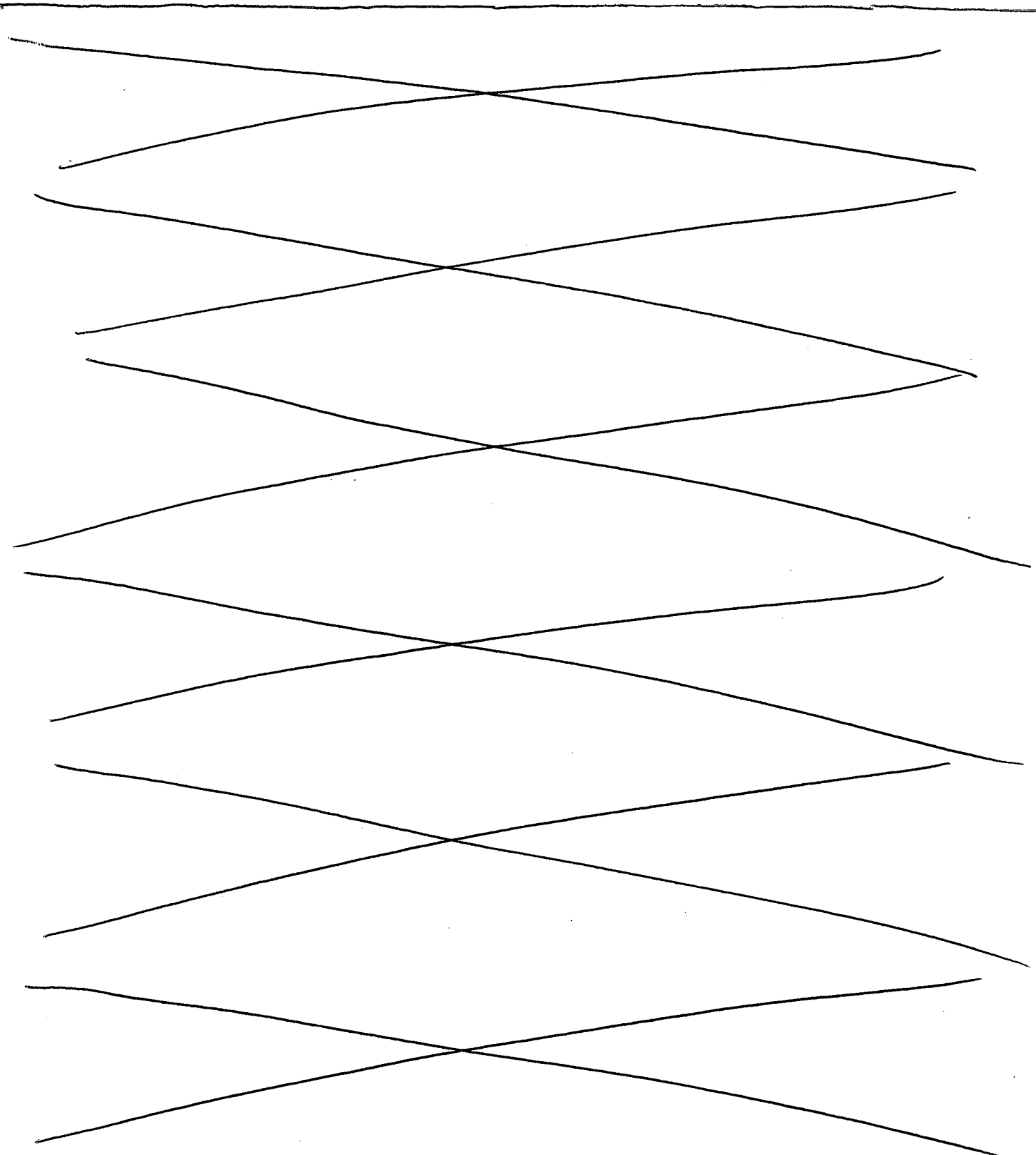


Exhibit F

FITCH, EVEN, TABIN & FLANNERY

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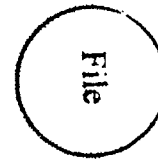
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October 10, 2003



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San Diego, CA 92127

RE: ***Final Draft of Patent Application with Formal Documents for Execution***

Inventor: Peter Shintani

Title: APPARATUS AND METHOD FOR USE IN TELEVISION CHANNEL
MAPPING

Your Disclosure Ref. No.: 50T5449 Our Ref. No. 81100/7114

Dear Peter:

Enclosed please find a final draft of the above-identified patent application. Also enclosed herewith for your review and execution are the formal documents for the above-identified application, namely: (1) Combined Declaration/Power of Attorney; and (2) Assignment.

Assuming that you do not have any further changes and the application is indeed in final form, please review and execute the enclosed formal documents, namely, the (1) Declaration-Power of Attorney; and (2) Assignment (must be notarized). It is important that you sign and date the documents where indicated in the listed order; namely, please execute the Declaration first, then execute the Assignment before a Notary. If you do not have easy access to a Notary please contact me and we can arrange for our Office Manager, Gloria Xefos, to come by your office to notarize the Assignment.

Exhibit G

FITCH, EVEN, TABIN & FLANNERY

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October 10, 2003

*ADMITTED TO CALIFORNIA BAR

RECEIVED

OCT 14 2003

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San Diego, CA 92127

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Inventor: Peter Shintani

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